

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JONATHAN LEE GENTRY,

Petitioner,

V.

STEVEN SINCLAIR,

## Respondent.

NO. C99-289RSL

**ORDER DENYING MOTION FOR  
NEW TRIAL OR TO AMEND  
JUDGMENT**

This matter comes before the Court on “Petitioner’s Motion for New Trial, Or to Amend Judgment,” Dkt. #316. Petitioner first contends that there is manifest error in the Court’s decision to bar petitioner’s claim of ineffective assistance of counsel at sentencing. According to petitioner, this “first ground for new trial or amendment involves the same issue that is the subject of the Court’s most recently [sic] ruling in this case.” Id. at 1. The Court considered that issue in 2001, Dkt. #79, reconsidered it in 2003, Dkt. #108, and denied petitioner’s motion to reconsider that issue last month, Dkt. #310. The Court denies petitioner’s attempt at yet another reconsideration of the issue. As the Court stated in its previous order, “Gentry’s only remaining recourse is to file an appeal with the Ninth Circuit seeking review and reversal of the Court’s decision.” Dkt. #310 at 2.

Petitioner also contends that the Court's decision barring petitioner's proportionality claim is clearly erroneous. Dkt. #316 at 6. Once again, the Court refuses to reconsider its order

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1 denying reconsideration, Dkt. #306. To the extent the Court has erred in any of its orders  
2 regarding this case, petitioner will have ample opportunity to argue his position on appeal.

3 For the foregoing reasons, the Court DENIES petitioner's motion for new trial or to  
4 amend judgment (Dkt. #316).

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6 DATED this 22<sup>nd</sup> day of May, 2009.

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13 Robert S. Lasnik  
14 United States District Judge

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